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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,679	10/22/2003	Christopher A. Ras	2352P014	6625

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,679

Applicant(s)

RAS ET AL.

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 12-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11,31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 12-30 continue to stand as being withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 5, 2006.

Response to Amendment

2. The applicant(s) amendment filed on April 5, 2006 has been fully considered and made of record.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. Claims 1-11 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, it is unclear if the latter recitation of “a first direction” (lines 8-9) is referring to the previous recitation of “a first direction” (line 2). Are these recitations intended to refer to the very same first direction, or completely different first directions? Moreover, it is unclear if the latter recitation of “a second direction” (line 12) is referring to the previous recitation of “a second direction” (line 4). Again, are these recitations intended to refer to the very same second

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direction, or completely different second directions? The language as noted above is misleading and confusing rendering the claims as being vague and indefinite.

Claim Rejections - 35 USC § 102

5. Claims 1, 2, 4, 5, 8 through 11 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Baermann 4,638,281.

Baermann discloses a method of assembling permanent magnet blocks comprising: restraining movement of a first permanent magnet block (top magnet 30 in Fig. 1) in a first direction (e.g. radial direction) by placing the first permanent magnet block in a nonmagnetic frame (carrier 12); mechanically further restraining movement of the first permanent magnet block in a second direction (e.g. circumferential direction) mechanically with the use of a spring clip 44 (in Fig. 1); placing a second permanent magnet block (left magnet 30 in Fig. 1) adjacent to the first permanent magnet block; restraining movement of the second permanent block in the first (radial) direction, which would exclude the step of, or otherwise be brought about by, placing the second permanent magnet adjacent to the first permanent magnet block; and mechanically further restraining movement of the second permanent magnet block in the second (circumferential) direction by another spring clip 44, which meets all of the limitations of the claimed invention.

Regarding Claim(s) 2 and 8, the non-magnetic frame (e.g. 12) of Baermann restrains movement of the first and second magnet blocks in the first (radial) direction.

Regarding Claim(s) 4, the second permanent magnet block in Baermann can be alternatively selected such that it would be opposite the first permanent magnet block (as shown

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in Fig. 8) in circumference where each would have movement restrained in the same first (radial) direction since each would be positioned 180 degrees from one another.

Regarding Claim(s) 9 and 31, Baermann further teaches applying an adhesive (moldable material 42) to one of the sides of each of the first and second permanent magnet blocks and adhering the first and second permanent magnet blocks to adhere the nonmagnetic frame and restrain movement of the first and second permanent magnet blocks in the second (circumferential) direction.

Regarding Claim(s) 10, Baermann further teaches removing any mechanical restraint (mold 94) once the adhesive, or after the adhesive 42 is set.

Regarding Claim(s) 11, Baermann further teaches fracturing one of the magnetic blocks while maintaining the position of the adjacent magnetic block with the nonmagnetic frame and removing the fractured magnetic block from the nonmagnetic frame (see col. 5, lines 30-35).

6. Claims 1 through 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Korb 2,855,639.

Regarding Claim(s) 1 and 2, Korb discloses a method of assembling permanent magnet blocks comprising: restraining movement of a first permanent magnet block (left magnet 25 in Fig. 4) in a first direction (e.g. horizontal direction of Fig. 4) by placing the first permanent magnet block in a nonmagnetic frame (gasket 21); further restraining movement of the first permanent magnet block in a second direction (e.g. horizontal direction of Figs. 2 or 3); placing a second permanent magnet block (right magnet 25 in Fig. 4) adjacent to the first permanent magnet block; restraining movement of the second permanent block in the first direction, which would exclude the step of, or otherwise be brought about by, placing the second permanent

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magnet adjacent to the first permanent magnet block; and further restraining movement of the second permanent magnet block in the second direction.

Regarding Claim(s) 3, Korb further teaches further restraining movement of the first permanent magnet block in the second direction by deforming the magnetic frame (see either one of Figs. 3 or 2a, and col. 4, lines 5+).

7. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Taneda et al 5,046,235.

Taneda discloses a method of assembling permanent magnets comprising: restraining movement of a first permanent magnet block 1L, 2b in a first direction (longitudinal direction of 1L, 2b) by placement of the first permanent magnet block in the device (shown in Fig. 1); further restraining movement of the first permanent magnet block in a second direction (direction perpendicular to the longitudinal direction of 1L, 2b) with a 3 axis ball screw driven slides 30, 23 (in Fig. 1); placing a second permanent magnet block 1R, 2a adjacent to the first permanent magnet block; restraining movement of the second permanent block in the first direction, which would exclude the step of, or otherwise be brought about by, placing the second permanent magnet adjacent to the first permanent magnet block; and further restraining movement of the second permanent magnet block in the one direction with the 3 axis ball screw driven slides 30, 23 (in Fig. 1).

Claim Rejections - 35 USC § 103

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baermann.

Baermann discloses the claimed manufacturing method as relied upon above in Claims 1 and 5, further including that the magnetic orientation of the first and second permanent magnet blocks differ by some angle from axis 18. However, Baermann does not say whether this angle is 30 degrees. The specific angle of magnetic orientation is considered to be an effective variable within the level of ordinary skill in the art of assembling permanent magnet blocks in a radial orientation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided angle of 30 degrees as the angle of magnetic orientation between the first and second permanent magnet blocks, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Response to Arguments

9. The applicant(s) arguments filed on April 5, 2006 have been fully considered but they are not persuasive.

In regards to the merits of Baermann and Taneda et al, the applicant(s) argue that the permanent magnet blocks for each are not placed adjacent to each other, thus, Baermann and Taneda cannot meet the limitations of “placing a second...block” (lines 5-6 of Claim 1).

The examiner most respectfully disagrees.

In Baermann, the second permanent magnet block (left magnet 30) is placed adjacent or, next to, the first permanent block (top magnet 50) inasmuch as what is shown in Figure 1. The magnets 50 in Figure 1 are all adjacent or next to each other.

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The same can be said for Taneda et al, in which Taneda shows that the second permanent magnet block 1R is placed adjacent to, or next to, the first permanent magnet block 1L.

What do the applicant(s) mean by “adjacent to” (line 5) because the examiner’s position is that the magnets shown in Baermann and Taneda et al each satisfy the limitations of “adjacent to”.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

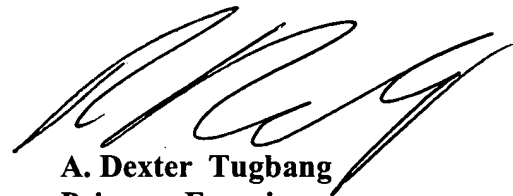
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570.

The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

June 22, 2006